

OGC HAS REVIEWED.

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subject
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Security Information

3 January 1953

Chief, FE

Office of General Counsel

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[REDACTED] - payment of post differential

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1. Reference is made to your memorandum of 25 September 1952 relative to employment of [REDACTED] as a staff agent. In this connection there arose the question as to what allowances could be granted in view of the fact that [REDACTED] who is a U. S. citizen has been residing in the [REDACTED] since 1939. There has been some delay in answering this memorandum due to the necessity of obtaining additional information. This involved interviews with officials in your division and most recently with [REDACTED] himself.

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2. Advice has been received from appropriate Agency officials that cost of living and quarters allowances will be paid upon proper application, with which this office concurs. There remains the question of whether or not post differential allowance may properly be paid.

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3. [REDACTED] lations provide that post differentials shall be paid in conformance with the Foreign Service Regulations prescribed by the Secretary of State under Section 443 of the Foreign Service Act of 1946 and Part IV of Executive Order 10,000 dated September 16, 1948. In Volume I, Part IV of the Foreign Service Manual at section 370 et seq. are found the Foreign Service Post Differential Regulations. Section 371.2 thereof provides that post differentials shall be paid to staff officers and employees but "shall not be paid to staff officers and employees designated as local staff personnel." Informal advice has been received from officials of the Foreign Service of the United States that whether an individual is or is not designated as coming within the term "local staff personnel" depends on whether or not he is available for transfer. If the individual is available for transfer, then the differential is paid.

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5. In view of the foregoing this office perceives no legal objection to the payment of a foreign post differential to [REDACTED]

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[REDACTED]

OGC/OEF:apf

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